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8	L. Akin, Ken K. Cheng, John P. Burger, Benjamin D. Taft, Paul L. Twombly, Richard W. Bridges,			
9	Chandra Kopparapu, Ivy Pei Shan Hsu, Karl D. Triebes, Lee Chen, Robert W. Shackleton, William			
10	S. Kallaos, Andrew K. Ludwick			
11	UNITED STATES DISTRICT COURT			
12	NORTHERN DISTRICT OF CALIFORNIA			
13	SAN JOSE DIVISION *E-FILED - 9/12/07*			
14	••			
15	IN RE FOUNDRY NETWORKS, INC. DERIVATIVE LITIGATION	Master File No. C-06-05598-RMW		
16		STIPULATION AND [FIXOPOSED] ORDER RE: MOTION TO DISMISS		
17		ARGUMENT		
18				
19	THIS DOCUMENT RELATES TO:			
20	ALL ACTIONS			
21				
22	WHEREAS, on June 1, 2007, the parties to the above-captioned matter attended a Case			
23	Management Conference; and			
24	WHEREAS, following the Case Management Conference the Court continued the Case			
25	Management Conference to September 14, 2007 at 10:30 a.m., the same day as the motion to			
26	dismiss argument; and			
27	WHEREAS, September 14, 2007 immediately precedes Rosh Hashanah, which directly			
28	impacts counsel for Plaintiffs; and	-1-		
		MASTER FILE NO. C-06-05598-RMV		

MASTER FILE NO. C-06-05598-RMW STIPULATION AND [XRXXXXXX] ORDER RE: MOTION TO DISMISS ARGUMENT

1	WHEREAS Plaintiffs reque	sted, and defendants agreed to, continue the Case
2		
		to dismiss argument to September 28, 2007 at 9:00 a.m.
3		LATED AND AGREED by Plaintiffs, Foundry and the
4	Individual Defendants, through their	respective counsel of record, as follows:
5	1. The Case Management	nt Conference and motion to dismiss argument are
6	rescheduled for September 28, 2007	at 9:00 a.m.
7	2. The parties agree that	, by entering into this stipulation, they do not waive any
8	claim, argument or defense that they	may have in this action and that nothing in this stipulation
9	limits the rights of any party to take	any action not inconsistent with its express terms.
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11		
12	Dated: August 22, 2007	DLA PIPER US LLP
13		
14		By/s/ SHIRLI F. WEISS
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16		Attorneys for Nominal Defendant Foundry
17		Networks, Inc. and Defendants Alfred J. Amoroso, C. Nicholas Keating, Jr., J. Steven Young,
18		Laurence L. Akin, Ken K. Cheng, John P. Burger, Benjamin D. Taft, Paul L. Twombly, Richard W.
19		Bridges, Chandra Kopparapu, Ivy Pei Shan Hsu, Karl D. Triebes, Lee Chen, Robert W. Shackleton,
20		William S. Kallaos, Andrew K. Ludwick
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## Case 5:06-cv-05598-RMW Document 97 Filed 09/12/07 Page 3 of 4 1 2 Dated: August 22, 2007 WILSON SONSINI GOODRICH & ROSATI PC 3 By\_\_\_\_\_/s/ BORIS FELDMAN 4 5 Attorneys for Defendant Bobby R. Johnson, Jr. 6 7 Dated: August 22, 2007 KEKER & VAN NEST LLP 9 By $\frac{/s/}{\text{ELLIOT R. PETERS}}$ 10 11 Attorneys for Defendant Timothy D. Heffner 12 13 Dated: August 22, 2007 SCHIFFRIN BARROWAY TOPAZ & KESSLER 14 LLP 15 16 By /s/ ALAN R. PLUTZIK 17 Co-Lead Counsel for Plaintiffs 18 19 20 Dated: August 22, 2007 KELLER ROHRBACK L.L.P. 21 22 By \_\_\_\_\_\_ JULI E. FARRIS 23 Co-Lead Counsel for Plaintiffs 24 25 26 27

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1	Attestation Pursuant To Comment Outles 45
2	Attestation Pursuant To General Order 45  I, Alan R. Plutzik, attest that concurrence in the filing of this document has been obtained
3	from the other signatories. I declare under penalty of perjury under the laws of the United States
4	that the foregoing is true and correct. Executed this 22nd day of August, 2007 at Walnut Creek,
5	California.
6	/s/ Alan R. Plutzik
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10	* * * *
11	[RROPOSED  ORDER
12	PURSUANT TO STIPULATION, IT IS SO ORDERED.
13	DATED: 9/12/07 Ronald M. Whyte
14	THE HONORABLE RONALD M. WHYTE UNITED STATES DISTRICT JUDGE
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